

050206

05-03-04P3 Rec'd PCT/PTO 02 MAY 2004

PCT/PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 7-2005)

## TRANSMITTAL LETTER TO THE UNITED STATES

DESIGNATED/ELECTED OFFICE (DO/EO/US)

CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER

050508-1410

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/578131

INTERNATIONAL APPLICATION NO.  
PCT/US2004/037090INTERNATIONAL FILING DATE  
08 November 2004PRIORITY DATE CLAIMED  
07 November 2003

## TITLE OF INVENTION

HIF-1 INHIBITORS AND METHODS OF USE THEREOF

## APPLICANT(S) FOR DO/EO/US

HARRIS, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

## Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. EV 861589914US

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5) <div style="font-size: 1.5em; font-weight: bold;">10/578131</div>	INTERNATIONAL APPLICATION NO. <div style="font-weight: bold;">PCT/US2004/037090</div>	ATTORNEY'S DOCKET NUMBER <div style="font-weight: bold;">050508-1410</div>
23. Other items or information: <div style="margin-left: 20px;">Certificate of Mailing; Return Postcard</div>		
The following fees have been submitted:		CALCULATIONS      PTO USE
24. <input checked="" type="checkbox"/> Basic national fee ..... \$300	\$	\$300.00
25. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article ..... \$0 All other situations. .... \$200	\$	\$200.00
26. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). . . \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the as an International Searching Authority. .... \$100 International Search Report prepared by an ISA other than the US and provided to the previously communicated to the US by the IB. .... \$400 All other situations. .... \$500	\$	\$100.00
<b>TOTAL OF 24, 25 and 26 =</b>		\$ 600.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.		
Total Sheets      Extra Sheets      Number of each additional 50 or fraction thereof (round up to a whole)      RATE		
75    - 100 =      0    /50 =      0      x    \$250.00	\$	\$0.00
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$ 130.00
CLAIMS      NUMBER FILED      NUMBER EXTRA      RATE		
Total claims      33    - 20 =      13      x      \$50.00	\$	\$650.00
Independent claims      1    - 3 =      0      x      \$200.00	\$	\$0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> +      \$360.00		\$ 0.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>		\$ 1,380.00
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.		\$ 690.00
<b>SUBTOTAL =</b>		\$ 690.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$ 0.00
<b>TOTAL NATIONAL FEE =</b>		\$ 690.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property    +		\$ 0.00
<b>TOTAL FEES ENCLOSED =</b>		\$ 690.00
Amount to be		\$
Amount to be		\$

10/578131

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 20-0778. A duplicate copy of this sheet is enclosed.
- d. ☒ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Christopher B. Linder  
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP.  
100 Galleria Pkwy., Suite 1750  
Atlanta, GA 30339-5948

  
SIGNATURE

Christopher B. Linder

NAME

47,751

REGISTRATION NUMBER

May 2, 2006  
DATE

IN THE UNITED STATES RECEIVING OFFICE (RO/US)  
UNDER THE PATENT COOPERATION TREATY

In Re Application of: Emory University  
Int. Appln. No.: PCT/US04/37090  
Int. Filing Date: 08 November 2004  
Title: HIF-1 Inhibitors and Methods of Use Thereof  
Atty Docket No.: 050508-2370

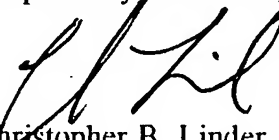
**RESPONSE TO INVITATION TO COMMENT**  
**ON ABSTRACT UNDER PCT RULE 38.2(b)**

Assistant Commissioner for Patents  
BOX: PCT  
PO Box 1450  
Alexandria, VA 22313-1450

In response to the Invitation to Comment on the Abstract for a one-month period following the transmittal of the International Search Report mailed on 08 November 2005, Applicant herewith submits a replacement Abstract Of The Disclosure.

Applicant respectfully requests that the replacement Abstract be published with the International Application.

Respectfully submitted,

  
Christopher B. Linder  
Registration No. 47,751

THOMAS, KAYDEN,  
HORSTEMEYER & RISLEY, L.L.P.  
100 Galleria Parkway, NW Suite 1750  
Atlanta, GA 30339-5948  
(770) 933-9500

cc: WIPO VIA FACSIMILE 41 22 338 8720

PATENTS

10/578131  
IAP12 Rec'd PCT/PTO 02 MAY 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: EMORY UNIVERSITY  
Int. Appln. No.: PCT/US04/37090  
Int. Filing Date: 08 November 2004  
Title: HIF-1 Inhibitors and Methods of Use Thereof  
Atty Docket No.: 050508-2370

CERTIFICATE OF EXPRESS MAIL

Assistant Commissioner for Patents  
BOX: PCT  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed for filing in the above case are the following documents:  
Return Postcard  
Response to Invitation to Comment on Abstract  
Substitute Abstract

Further, the Commissioner is authorized to charge Deposit Account No. 20-0778 for any additional fees required. The Commissioner is requested to credit any excess fee paid to Deposit Account No. 20-0778.

Respectfully submitted,



Christopher B. Linder  
Registration No.: 38,962

THOMAS, KAYDEN, HORSTEMEYER  
& RISLEY, L.L.P.  
100 Galleria Parkway, N.W.  
Suite 1750  
Atlanta, Georgia 30339-5948

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I hereby certify that all correspondences listed above are being deposited for delivery to the above addressee, with the United States Postal Service "**EXPRESS MAIL POST OFFICE TO ADDRESSEE**" service under 37 CFR §1.10 on the date indicated below:

The envelope has been given U.S. Postal Service "Express Mail Post Office To Addressee" Package # **EV558411136US**.

Date: 11/28/05

  
Sara Rogers